

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION

TIMOTHY POSTELL, :  
: :  
Petitioner, :  
: :  
v. : : CASE NO.: 1:05-CV-96 (WLS)  
: :  
CARLY HUMPHREY, *Warden*, :  
: :  
Defendant. :  
: :  
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**ORDER**

Before the Court is a Report and Recommendation from United States Magistrate Judge Thomas Q. Langstaff, filed January 31, 2011. (Doc. 64). It is recommended that the Motion for Default Judgment (Doc. 60), filed by the *pro se* Petitioner in the above-captioned federal habeas corpus action, be denied. (Doc. 64 at 4). No objections were filed within the fourteen-day period provided pursuant to 28 U.S.C. § 636(b)(1), which objection period expired on February 17, 2011, with application of the prisoner mailbox rule. (See Doc. 64 at 4; Docket; Fed. R. Civ. P. 6(d)).

Upon full review and consideration upon the record, the Court finds that said Report and Recommendation (Doc. 64) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Accordingly, Petitioner's Motion for Default Judgment (Doc. 60) is **DENIED**.

**SO ORDERED**, this 22<sup>nd</sup> day of February, 2011.

/s/ W. Louis Sands

**THE HONORABLE W. LOUIS SANDS,  
UNITED STATES DISTRICT COURT**